

## **UNAPPROVED MINUTES**

### **VIRGINIA BOARD OF LONG TERM CARE ADMINISTRATORS MEETING MINUTES**

The Virginia Board of Long Term Care Administrators convened for a board meeting on Tuesday, December 1, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

#### **The following members were present:**

Mary M. Smith, NHA, Chair  
Kathleen R. Fletcher, MSN  
Martha H. Hunt, Assisted Living Facility Administrator  
John Randolph Scott, NHA, Assisted Living Facility Administrator  
Bertha Simmons, NHA, Assisted Living Facility Administrator  
Gracie Bowers

#### **The following members were absent for all or part of the meeting:**

Ted A. LeNeave, NHA  
Thomas J. Orsini, NHA

#### **DHP staff present for all or part of the meeting included:**

Lisa R. Hahn, Executive Director  
Sandra Whitley Ryals, Agency Director  
Elaine Yeatts, Senior Policy Analyst  
Annie Artis, Licensure Operations Manager  
Missy Currier, Administrative Assistant

#### **Representative from the Office of the Attorney General present for the meeting:**

Amy Marschean, Senior Assistant Attorney General

#### **Quorum:**

With 6 members present, a quorum was established.

#### **Guests Present:**

Dana Parsons, VANHA  
Beverley Sobel, VHCA  
Judy Hackler, VALA

#### **CALLED TO ORDER**

Ms. Smith, Chair, called the Board meeting to order at 9:45a.m.

## **PUBLIC COMMENT PERIOD**

There was no public comment.

## **ORDERING OF AGENDA**

The Agenda was accepted as ordered.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Ms. Fletcher and properly seconded by Ms. Hunt, the Board voted to accept the following minutes of the meetings:

- Minutes of the Examination Committee Meeting – March 13, 2007
- Minutes of the Special Conference Committee – April 1, 2009
- Minutes of Board Meeting – May 5, 2009
- Minutes of the Special Conference Committee – June 17, 2009

The motion passed unanimously.

Mr. Orsini arrived at 9:55 a.m.

## **AGENCY DIRECTOR'S REPORT – Ms. Sandra Whitley Ryals**

### **Virginia Performs**

Ms. Ryals shared the great news about the Department of Health Professions first time achievement of meeting and exceeding the goal to close 95% of disciplinary cases within 250 working days. The Agency continues to achieve outstanding results for the five Key Performance Measures which are management tools used in making appropriate decisions.

Ms. Ryals shared that the Board of Long Term Care had received 16 cases and closed 5 within the first fiscal quarter of 2010, which is a clearance rate of 31%. This board has yet to see the true impact on the clearance rate due to the recent increase in disciplinary cases. Ms. Hahn indicated that the increase in the number of cases is due largely to the addition of the Assisted Living Facility Administrator Board.

Ms. Ryals stated that the patient care cases closed within the 250 day goal is currently at 100%, and there are no cases over 250 days. The Board of Long Term Care continues to process licenses within 30 days of a completed application at 100%.

### **Virginia Economy**

Ms. Ryals stated that the Department of Health Professions is a non-general fund agency and is therefore not dependent on general fund revenue for support. She indicated that we have been advised that the DHP will be subject to a cash transfer to take place during the last quarter of the fiscal year in the amount of \$636,640. This cash transfer will help to cover a

deficit in the General Fund. She explained that each board will be contributing to this cash transfer. The amount of contribution will be based upon a formula that takes into account the number of employees and number of licensees attached to each board. The approximate amount incurred from the Board of Long Term Care Administrators will be \$ 7,925.00.

### **On-Line Applications**

Ms. Ryals was pleased to announce that the Department of Health Professions will soon be offering on-line applications for all Boards. This will not only help control agency costs, but it will enhance electronic recordkeeping and facilitate the initial application process. Ms. Ryals anticipates the on-line application process to be available for use by the end of 2009.

### **EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn**

Ms. Hahn suggested that all board members and staff introduce themselves to the two new members. Gracie Bowers is a retired Senior Case Worker for the City of Portsmouth, and Thomas Orsini, is President and CEO of Lake Taylor Transitional Care Hospital in Norfolk, Virginia. The Board welcomes both new members and looks forward to working with them.

### **Budget**

Ms. Hahn presented the board with the budget information as of October 31, 2009. She stated that the cash balance as of June 30, 2009 was \$16,929. The year to date revenue was \$15,885 and the direct and allocated expenditures totaled \$148,125. She stated that our cash balance as of October 31, 2009 was \$ (115,311). Ms. Hahn noted that cash balance may remain slightly negative even after the renewal funds are accounted for in March of 2010. She along with the Finance Department will be reviewing the budget information for possible increases in fees, however that decision will not be made prior to a thorough analysis of the information.

### **Licensee Statistics**

Ms. Hahn reported the numbers of current licensees in the State of Virginia are as follows: 768 nursing home administrators and 219 nursing home preceptors; and 573 assisted living facility administrators; 109 assisted living facility preceptors; and 90 assisted living facility administrator applications are currently pending.

### **Discipline Statistics**

Ms. Hahn reported there are currently 40 open cases, 8 times the amount the board had 13 months prior. She anticipates that number to trend upward. Ms. Hahn will monitor the activity and inform the board if she feels additional Special Committee Member appointments would be necessary to handle the increased case load.

## **2009 Calendar**

Ms. Hahn stated the 2010 board meetings have been scheduled and will be held on March 8, June 1, September 15, and December 7, 2010. Ms. Hahn also stated that in an effort to control costs, a scheduled meeting could be cancelled if the meeting is deemed unnecessary.

## **OTHER**

Ms. Hahn shared a letter from Mary Jane Koren, MD.MPH, Chair of the Advancing Excellence in America's Nursing Home Campaign. Ms. Hahn encourages new members to join and current members to remain active. Per request of board member Ms. Fletcher, Ms. Hahn will obtain the number of participants from Virginia and will share this information at the next board meeting.

Ms. Hahn recognized an accomplishment by board member Ted LeNeave, who was presented with the James G. Dunton Distinguished Service Award for Lifetime Achievement at the 2009 VHCA/VCAL Convention and Trade Show in Hampton, Virginia.

## **NEW BUSINESS**

Ms. Smith announced that the presentation given by Amy Powell, NHA and Steve Herrick, Ph.D. on the Geriatric Mental Health Planning Partnership has been re-scheduled for the next meeting on March 8, 2010.

### **Sanctioning Reference Point Study Presentation – Dr. Neil Kauder, President, and Kim Langston of VisualResearch, Inc.**

Mr. Kauder presented the board with a draft copy of the Sanctioning Reference Point Study Interim Report and gave an overview of the purpose and use of the information. He explained that the report provided a compilation of the past 10 year history of Long Term Care case files and the results were used to develop a sanction reference worksheet to be used as a guideline during Informal Fact Finding Conferences.

After much discussion and review regarding the Sanctioning Reference Points Worksheet draft, the board made a few modifications. Mr. Kauder agreed to make the modifications and forward the changes to the members prior to the March 2010 meeting. A motion to adopt the revised manual will be made at the next board meeting. It was also noted that the worksheet will progressively change as the case load history for Assisted Living Facility Administrators increases.

### **AIT Requirements for Minimum Timeframe for Completion**

Much discussion was made regarding the need to establish guidelines for the timeframe and hours an Administrator in Training applicant can receive for credit during the program. Upon a motion by Mr. Scott and properly seconded by Mr. Orsini, the board voted to restrict the

number of hours credited toward completion of the AIT program to 40 hours per week at a maximum.

The motion was passed unanimously.

### **Adoption of Exempt Regulatory Action – Elaine Yeatts**

Ms. Yeatts reviewed the new law that requires every agency having regulations to review and amend the regulations if necessary to ensure that submission of documents may be accomplished by electronic means.

Upon a motion by Mr. Scott and properly seconded by Mr. Orsini, the board voted to amend Chapters 20 and 30 to facilitate electronic submissions of applications and renewals as an Adoption of Exempt Regulatory Action.

The motion was passed unanimously.

### **Legislative/Regulatory Report**

Ms. Yeatts provided draft legislative proposals regarding the need to ensure that an Assisted Living Facility Administrator (ALF) has the same obligation to report unprofessional conduct as do Nursing Home Administrators (NHA). Ms. Yeatts indicated this proposed legislation was for informational purposed only at this time.

### **Bylaw Amendments to Guidance Document 95-8**

Ms. Hahn reviewed the following changes in the Bylaws regarding Election of Officers and Terms of Office within Guidance Document 95-8. No other changes were noted.

#### **Article I. Officers Election, Terms of Office, Vacancies**

##### **1. Election.**

The Board shall annually elect its officers at its first regularly scheduled ~~July~~ meeting after July 1<sup>st</sup> of each year.

##### **2. Terms of Office.**

The terms of office of the Chair and Vice-Chair shall be for ~~twelve months~~ one year or until the next election of officers, unless their term on the Board expires before that time. No officer shall be eligible to serve for more than three consecutive terms in the same office unless serving an unexpired term.

Upon a motion by Mr. Scott and properly seconded by Ms. Hunt, the board voted to accept the amendments to the Bylaws within Guidance Document 95-8.

The motion was passed unanimously.

## **OTHER BUSINESS**

Mr. Scott expressed his concern regarding Assisted Living Facility Administrator in Training applicants completing their program in a facility which is licensed as “Provisional” or “Conditional”. His concern is that the training may be done in a sub-standard facility. Ms. Hahn agreed to obtain more information from the Department of Social Services regarding the definitions and will share at the next meeting for further discussion.

## **ADJOURNMENT**

With all business concluded, the meeting was adjourned at 12:00 noon

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Mary Smith, NHA, Chair

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Lisa R. Hahn, Executive Director

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Date

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Date